

ORDINANCE NO. _____

1 AN ORDINANCE amending Sections 27.65.020 and 27.65.075 of the Lincoln
2 Municipal Code to allow the same “bonus” provision to be taken for acreage developments with
3 community sewer systems regardless of lot size and to clarify the number of future lots shown for
4 buildthrough, which would vary with the average size of the initial lots; and repealing Sections
5 27.65.020 and 27.65.075 of the Lincoln Municipal Code as hitherto existing.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 27.65.020 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **27.65.020 Requirements.**

10 (a) General Requirements. The owner or owners of any tract of land in the R-1, R-2, R-3,
11 R-4, R-5, or R-6 zoning district which is one acre or more in area; in the BTA Overlay District with
12 underlying AG zoning which is forty acres or more in area; or in the BTA Overlay District with
13 underlying AGR zoning which is ten acres or more in area, including and up to the centerline of
14 existing public rights-of-way abutting the tract of land may submit a plan for the use and
15 development thereof for residential purposes or for the repair and alteration of any existing residen-
16 tial development. The plan may propose a modification of height and area regulations of the district
17 in which the community unit plan is located.

18 (b) Specific Requirements.

19 (1) In the R-1, R-2, R-3, R-4, R-5, or R-6 zoning district:

20 (i) A community unit plan may be permitted on a tract of land which is less
21 than ten acres but more than five acres in area. The maximum permitted density on such a tract shall
22 be calculated as provided in Section 27.65.080, and this maximum will be reduced by ten percent
23 to accommodate the small size of the tract.

24 (ii) A community unit plan may be permitted on a tract of land which is not
25 more than five acres but more than one acre in area. The maximum permitted density shall be
26 calculated as provided in Section 27.65.080, and this maximum will be reduced by twenty percent
27 to accommodate the small size of the tract.

28 (iii) A community unit plan may be permitted on a tract of land which is less
29 than ten acres but more than one acre in area where such tract is bounded on at least two sides by

1 one or more existing community unit plans. The maximum density of such a tract shall be calculated
2 as in Section 27.65.080.

3 (iv) A community unit plan may be permitted on a tract of land which is ten
4 or more acres in area. The maximum permitted density of such a tract shall be calculated as in
5 Section 27.65.080.

6 (v) A community unit plan which complies with the energy conservation
7 standards adopted by the City Council and on file with the City Clerk may receive a dwelling unit
8 bonus in accordance with the standards adopted by resolution of the City Council.

9 (vi) Additional dwelling units may be granted for each dwelling unit
10 subsidized by the state or federal government for low-income families or as a dwelling unit bonus
11 for the provision of barrier-free units; however, the number of additional dwelling units shall not ex-
12 ceed those provided in the standards adopted by resolution of the City Council.

13 (2) In the BTA Overlay District the land within the community unit plan shall be
14 divided into two components: an Acreage Development Component and an Urban Reserve
15 Component, except as provided in subsection (ii) below. The Acreage Development Component
16 may be subdivided in conformance with requirements of the City Land Subdivision Ordinance into
17 residential lots for single-family dwellings. The Urban Reserve Component may not be subdivided
18 or built upon but rather shall be reserved for future residential development until such time as City
19 sanitary sewer and water utilities are extended to the Urban Reserve Component and the land within
20 the community unit plan is annexed by the City of Lincoln.

21 (i) In the BTA Overlay District with underlying AG zoning, the Acreage
22 Development Component shall not exceed twenty-five percent (25%) of the total area of the
23 community unit plan if ~~single-family dwellings will utilize on-site wastewater systems and in such~~
24 ~~event the minimum lot size shall be three acres. The Acreage Development Component shall not~~
25 ~~exceed ten percent (10%) of the total area of the community unit plan if the single-family dwellings~~
26 ~~will utilize a community wastewater system and in such event the maximum lot size shall be one~~
27 ~~acre.~~

28 (ii) In the BTA Overlay District with underlying AGR zoning, the Urban
29 Reserve Component is not required and the total area of the community unit plan may be used for
30 the Acreage Development Component if the single-family dwellings will utilize on-site wastewater
31 systems and in such case the minimum lot size shall be three acres. The Acreage Development
32 Component shall not exceed forty percent (40%) of the total area of the community unit plan if the
33 single-family dwellings will utilize a community wastewater system and in such case the maximum
34 lot size shall be one acre.

35 (c) A community unit plan located in the BTA Overlay District which will substantially
36 protect an open space area as designated on the future land use plans included in the Lincoln City-
37 Lancaster County Comprehensive Plan may receive a dwelling unit bonus provided that:

1 (1) The request for a dwelling unit bonus shall be accompanied by a showing of the
2 need for protection of the open space, a description of the proposed use of the open space and any
3 limitations there on, and the proposed method of protecting the open space which may include, but
4 is not necessarily limited to, protective covenants, conservation or preservation easements, or similar
5 restrictions of record.

6 (2) The proposed method of protecting the open space shall expressly (i) prohibit the
7 construction or installation of any structures or other improvements in the open space for a period
8 of 99 years, except minimal above ground structures or improvements reasonably necessary and
9 incidental to the proposed use of the open space; and (ii) prohibit such uses as shooting ranges,
10 basketball courts, baseball fields, football and soccer fields, racetracks, or other stadium uses,
11 facilities for spectator sports, and any activities that would unreasonably disturb the residents of the
12 community unit plan or the surrounding neighborhoods.

13 (3) The open space shall be accessible to, and available for use by, the residents of
14 the community unit plan;

15 For the purposes of this subsection, "open space" shall mean land or water which is
16 undeveloped or which is set aside for public or private outdoor recreational uses, such as parks, trail
17 systems, golf courses, or bodies of water for swimming, fishing, or boating.

18 (d) A community unit plan located in the BTA Overlay District with underlying AG zoning
19 in consideration of providing for future subdivision of the lots within the Acreage Development
20 Component as well as the Urban Reserve Component shall receive a twenty percent (20%) density
21 bonus.

22 (e) A community unit plan located in the BTA Overlay District with underlying AGR zoning
23 in consideration of providing for future subdivision of the Urban Reserve Component shall receive
24 a twenty percent (20%) density bonus.

25 (f) A community unit plan located in either the AG Agricultural District or AGR
26 Agricultural Residential District which utilizes a community wastewater disposal system rather than
27 individual wastewater systems shall receive a twenty percent (20%) density bonus.

28 (g) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, or BTA Overlay
29 zoning districts which will substantially protect floodplain or floodprone areas may receive a
30 dwelling unit bonus if a permanent conservation easement or permanent deed restriction is dedicated
31 to preserve the floodplain or floodprone area. The bonus allotment will be proportionally equal to
32 the amount of floodplain preserved on the site and the size of the lot as in conformance with the
33 design standards.

34 (h) The dwelling unit bonuses permitted under subsections (c), (d), (e) and (g) of this section
35 shall not exceed a total of twenty percent (20%) in any community unit plan.

36 Section 2. That Section 27.65.075 of the Lincoln Municipal Code be amended to
37 read as follows:

1 **27.65.075 Form of Community Unit Plan in the BTA Overlay District.**

2 (a) A final plot plan for the Acreage Development Component shall be accurately, clearly,
3 and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show the details of the
4 plan clearly and shall contain the information required for final plot plans in Section 27.65.070 and
5 the following requirements:

6 (1) Building envelopes shown on lots in the final plot plan shall meet required
7 setbacks for the lots shown under the future final plot plan providing for conversion of the Acreage
8 Development Component to higher urban residential density; and

9 (2) The drainage and site grading plans shall include both the Acreage Development
10 Component and the Urban Reserve Component and shall be designed to drain and grade both
11 components in accordance with the future final plot plan for the Acreage Development Component
12 and the Master Plan for the Urban Reserve Component. Final and rough grading of the Acreage
13 Development Component shall be accomplished as set forth in Lincoln Municipal Code Section
14 26.11.038.

15 (b) A future final plot plan providing for conversion of the Acreage Development
16 Component to higher urban residential density shall be accurately, clearly, and legibly drawn on
17 tracing cloth or mylar in a sufficient size and scale to show the details of the plan clearly and shall
18 contain the information required for final plot plans in Section 27.65.070 and the following
19 information:

20 (1) Final lot lines and building lines that will be implemented with the extension of
21 urban infrastructure and annexation by the City. For acreage CUPs with an average lot size of less
22 than 1/3 acre, no provision for further lot subdivision is required. an average area per family equal
23 to the lot area per family required in the R-1 Residential District, or a maximum gross density of 3.0
24 units per acre. For acreage community unit plans using community wastewater systems with a 1/3
25 acre to one acre maximum average lot size, the future final plot plan shall provide at least 2.0 times
26 the number of lots in the CUP. For acreage community unit plans with more than a one acre
27 maximum lot size, but less than three acres, the future final plot plan shall provide at least 2.5 times
28 the number of lots in the community unit plan. For acreage community unit plans using on-site
29 wastewater systems with a three acre or larger minimum lot size, the future plot plan shall provide
30 at least 3.0 times the number of lots in the CUP an average lot size of one acre or a maximum gross
31 density of one unit per acre. The sum of the lots may be rounded up to the nearest full lot.

1 (2) The location and layout of any future streets not dedicated and improved as part
2 of the final plot plan for the Acreage Development Component, but needed in the future to convert
3 the Acreage Development Component and Urban Reserve Component to Urban Density.

4 (3) Easement locations for future utilities and stormwater drainage.

5 (4) Building envelopes which meet required setbacks under the conversion.

6 (c) A Master Plan providing an urban framework for future development of the Urban
7 Reserve Component of the community unit plan which establishes the major systems that serve the
8 overall development, documenting the future relationships between the Acreage Development
9 Component and the Urban Reserve Component. The Urban Framework Master Plan shall be
10 accurately, clearly and legibly drawn on tracing cloth or mylar in a sufficient size and scale to show
11 the details of the plan clearly and shall contain the following information:

12 (1) The layout of arterial and collector streets on the site. These will typically
13 include streets approximately on half section lines, along with connections to adjacent parcels.

14 (2) Major infrastructure lines, including water distribution, sanitary sewers, and
15 storm sewers, if part of the stormwater management plan.

16 (3) A master stormwater management plan, indicating general grading concepts and
17 directions, stormwater retention and detention structures, and storm sewers.

18 (4) Easements and dedications for all major utility services.

19 (5) Proposed parks, open spaces, trails, and greenways.

20 (6) Resource conservation or preservation areas, including wetlands, wooded areas,
21 streams and waterways, and other features that will be maintained and incorporated into future
22 development concepts.

23 (7) The Master Plan shall provide a minimum gross residential density of no less than
24 four units per acre on the portion of the site that is to be developed for urban residential purposes.

25 (8) The Master Plan may propose a land use master plan, displaying the location and
26 relationship of various uses, but such a plan is not a requirement for approval.

27 Section 3. That Sections 27.65.020 and 27.65.070 of the Lincoln Municipal Code
28 as hitherto existing be and the same are hereby repealed.

29 Section 4. That this ordinance shall take effect and be in force from and after its
30 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor